

NO. 42

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

WEDNESDAY, MARCH 21, 2018

Wednesday, March 21, 2018
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Exodus 19:16

“On the morning of the third day there was thunder and lightning, as well as a thick cloud on the mountain, and a blast of a trumpet so loud that all the people who were in the camp trembled.”

Let us pray. Gracious God we rejoice in the gift of life and the freedom to live life to the fullest. Yet our world is an unsafe place. We, therefore, lift up to you in prayer all those who put their lives in harm’s way to make our state and our country a safer place in which to live. We ask, O God, your blessing on those who serve in the military; those who are first responders in a crisis; those who stand ready to fight fires and rescue trapped and helpless victims; those who provide protection for our elected officials and those who provide security for our State House and other public and private facilities. May we most prayerfully remember these special people who boldly stand up against forces and circumstances that could do us harm. All this we pray in Your holy name, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator LEATHERMAN moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Goldfinch	Gregory	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, John</i>	McElveen
Nicholson	Peeler	Rankin
Reese	Rice	Senn

[SJ]

WEDNESDAY, MARCH 21, 2018

Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Williams		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointment

Initial Appointment, South Carolina Department of Highways and Public Transportation, with the term to commence March 21, 2018, and to expire February 15, 2022

At-Large:

James T. McLawhorn, Jr., 204 Elmont Drive, Columbia, SC 29203
VICE Grover Clifton Parker

Referred to the Committee on Transportation.

Doctor of the Day

Senator LEATHERMAN introduced Dr. Coleman Buckhouse of Florence, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator CROMER, at 3:49 P.M., Senator CAMPSER was granted a leave of absence for the balance of the day.

Leave of Absence

At 10:50 P.M., Senator CAMPBELL requested a leave of absence for Senator MARTIN for the balance of the day.

RECESS

At 12:18 P.M., on motion of Senator MARTIN, the Senate recessed from business not to exceed 5 minutes.

At 12:31 P.M., the Senate resumed.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 919 Sen. Talley
S. 920 Sen. Talley

WEDNESDAY, MARCH 21, 2018

S. 921 Sen. Talley
S. 1043 Sen. Talley
S. 1067 Sen. Jackson

RECALLED AND ADOPTED

H. 5094 -- Reps. Hixon, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brawley, Brown, Bryant, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Dellene, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McGinnis, McKnight, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE SOUTH CAROLINA ASSOCIATION OF REALTORS® FOR ITS STRONG SUPPORT OF FAIR HOUSING IN THE PALMETTO STATE AND TO DECLARE APRIL 2018 AS “FAIR HOUSING MONTH” IN SOUTH CAROLINA.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Resolution from the Committee on Labor, Commerce and Industry.

The Resolution was recalled from the Committee on Labor, Commerce and Industry.

Senator ALEXANDER asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

WEDNESDAY, MARCH 21, 2018

On motion of Senator ALEXANDER, the Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1134 -- Senator Nicholson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR STEVE D. REEVES, JR., GENERAL MANAGER OF THE GREENWOOD COMMISSIONERS OF PUBLIC WORKS, UPON THE OCCASION OF HIS RETIREMENT AFTER TWENTY-SEVEN YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\council\ills\gm\25180vr18.docx

The Concurrent Resolution was adopted, ordered sent to the House.

S. 1135 -- General Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO WILDERNESS THERAPEUTIC CAMPS FOR CHILDREN, DESIGNATED AS REGULATION DOCUMENT NUMBER 4771, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

l:\council\ills\dbs\31469cz18.docx

Read the first time and ordered placed on the Calendar without reference.

H. 3826 -- Reps. Huggins, Bedingfield, Fry, Henderson, Johnson, Hewitt, Crawford, Duckworth, Allison, Forrester, Tallon, Hamilton, Felder, Elliott, B. Newton, Martin, Erickson, Dillard, G. R. Smith, Robinson-Simpson, Long, Taylor, Hixon, Arrington, Bennett, W. Newton, Putnam and Cogswell: A BILL TO AMEND SECTION 44-53-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESCRIPTIONS, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP A COUNTERFEIT-RESISTANT PRESCRIPTION BLANK, WHICH MUST BE USED BY PRACTITIONERS FOR THE PURPOSE OF PRESCRIBING CONTROLLED SUBSTANCES.

Read the first time and referred to the Committee on Medical Affairs.

H. 4117 -- Reps. Henderson, Bedingfield and Fry: A BILL TO AMEND SECTION 44-53-1650, AS AMENDED, CODE OF LAWS

WEDNESDAY, MARCH 21, 2018

OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS TO CONFIDENTIALITY OF DATA IN THE PRESCRIPTION MONITORING PROGRAM, SO AS TO ADD AN EXCEPTION FOR THE PROVISION OF DATA TO DRUG COURTS.

Read the first time and referred to the Committee on Medical Affairs.

H. 4485 -- Reps. Henderson and W. Newton: A BILL TO AMEND SECTION 44-1-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-1-60, RELATING TO APPEALS FROM ADMINISTRATIVE DECISIONS OF THE DEPARTMENT, SO AS TO CLARIFY THAT NOTICE MAY BE PROVIDED ELECTRONICALLY UPON REQUEST; TO AMEND SECTION 44-1-130, RELATING TO THE DEPARTMENT'S AUTHORITY TO ESTABLISH HEALTH DISTRICTS AND DISTRICT ADVISORY BOARDS, SO AS TO ELIMINATE HEALTH ADVISORY BOARDS AND CHANGE CERTAIN TERMINOLOGY; AND TO REPEAL ARTICLE 3, CHAPTER 3, TITLE 44 RELATING TO THE CATAWBA HEALTH DISTRICT.

Read the first time and referred to the Committee on Medical Affairs.

H. 4600 -- Reps. Huggins, Bedingfield, Alexander, Dillard, Douglas, Erickson, Fry, Henderson, Hewitt, Ridgeway, Spires, West, Norrell, Weeks, Rutherford and Atwater: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-70 SO AS TO AUTHORIZE CERTAIN COMMUNITY ORGANIZATIONS TO DISTRIBUTE OPIOID ANTIDOTES TO A PERSON AT RISK OF EXPERIENCING AN OPIOID-RELATED OVERDOSE OR TO A CAREGIVER OF SUCH A PERSON; AND TO AMEND SECTION 44-130-20, RELATING TO TERMS DEFINED IN THE SOUTH CAROLINA OVERDOSE PREVENTION ACT, SO AS TO ADD A DEFINITION FOR "COMMUNITY DISTRIBUTOR".

Read the first time and referred to the Committee on Medical Affairs.

H. 4602 -- Reps. Henderson, Bedingfield, Alexander, Dillard, Douglas, Erickson, Fry, Hewitt, Huggins, Ridgeway, West, Norrell, Weeks, Rutherford and Atwater: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-70 SO AS TO REQUIRE HOSPITAL EMERGENCY DEPARTMENT PHYSICIANS AND PHARMACISTS TO SUBMIT

WEDNESDAY, MARCH 21, 2018

CERTAIN INFORMATION TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM WHEN A PERSON IS ADMINISTERED AN OPIOID ANTIDOTE; TO AMEND SECTION 44-130-60, RELATING TO THE AUTHORITY OF FIRST RESPONDERS TO ADMINISTER OPIOID ANTIDOTES, SO AS TO REQUIRE FIRST RESPONDERS TO SUBMIT CERTAIN INFORMATION TO DHEC FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM; TO AMEND SECTION 44-53-1640, AS AMENDED, RELATING TO THE PRESCRIPTION MONITORING PROGRAM, SO AS TO REQUIRE THE PROGRAM TO MONITOR THE ADMINISTERING OF OPIOID ANTIDOTES BY FIRST RESPONDERS AND IN EMERGENCY HEALTH CARE SETTINGS; AND TO AMEND SECTION 44-53-1645, RELATING TO THE REQUIREMENT OF PRACTITIONERS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE, SO AS TO ALSO REQUIRE A REVIEW OF ANY INCIDENTS IN WHICH THE PATIENT HAS BEEN ADMINISTERED AN OPIOID ANTIDOTE BY A FIRST RESPONDER OR IN AN EMERGENCY HEALTH CARE SETTING.

Read the first time and referred to the Committee on Medical Affairs.

H. 4710 -- Reps. Hill, Williams, McKnight, Yow, West, Gagnon, McCravy, Wheeler, Parks, Henegan, Caskey, Gilliard, Brown, B. Newton, Allison, Chumley, Long, Elliott, Henderson and Blackwell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 147 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE PERSIAN GULF WAR VETERAN SPECIAL LICENSE PLATES.

Read the first time and referred to the Committee on Transportation.

H. 4875 -- Reps. Ott and Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 50 SO AS TO ENACT THE "SOUTH CAROLINA SOLAR HABITAT ACT" TO ESTABLISH VOLUNTARY SOLAR BEST-MANAGEMENT PRACTICES FOR COMMERCIAL SOLAR ENERGY GENERATION SITES, TO ESTABLISH A NATIVE VEGETATION HABITAT AND POLLINATOR MANAGEMENT PLAN TO BE USED AS TECHNICAL GUIDANCE FOR THE

[SJ]

WEDNESDAY, MARCH 21, 2018

PURPOSES OF THIS ACT, AND TO PROVIDE THAT CERTIFICATES OF COMPLIANCE MAY BE ISSUED TO ENTITIES THAT MEET SOLAR SITE GUIDELINES ESTABLISHED PURSUANT TO THIS ACT.

Read the first time and referred to the Committee on Judiciary.

H. 4877 -- Reps. Clemmons and Bales: A BILL TO AMEND SECTION 40-56-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE BOARD OF PYROTECHNIC SAFETY, SO AS TO REVISE THE MEMBERSHIP BY DESIGNATING ONE ADDITIONAL SEAT FOR A MEMBER WHO IS A PYROTECHNIC RETAILER AND ELIMINATING ONE SEAT DESIGNATED FOR A MEMBER OF THE GENERAL PUBLIC.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 4946 -- Reps. Erickson, Bradley, Bowers and M. Rivers: A BILL TO AMEND SECTION 50-5-1005, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SHELLFISH IMPORTATION PERMITS, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE PERMITS TO PERSONS TO POSSESS, PRODUCE, PURCHASE, OR SELL GENETICALLY MODIFIED SHELLFISH, AND THE PROVISION THAT PROHIBITS THE PLACEMENT OF GENETICALLY MODIFIED SHELLFISH IN THE WATERS OF THIS STATE WITHOUT A PERMIT.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 4962 -- Reps. Sandifer and Spires: A BILL TO AMEND SECTION 38-7-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETALIATORY TAXES BY OTHER STATES AGAINST INSURANCE COMPANIES CHARTERED IN THIS STATE, SO AS TO PROVIDE TITLE INSURERS ONLY MAY INCLUDE THEIR PORTION OF THE PREMIUM IN THE RETALIATORY TAX COMPUTATIONS AND ARE PROHIBITED FROM INCLUDING THESE AMOUNTS IN THE SOUTH CAROLINA COLUMN OF RETALIATORY TAX WORKSHEETS.

Read the first time and referred to the Committee on Banking and Insurance.

WEDNESDAY, MARCH 21, 2018

H. 4968 -- Reps. Hiott, Clary and Collins: A BILL TO AMEND ACT 489 OF 1998, RELATING TO THE ADVISORY ELECTION AMONG PICKENS COUNTY VETERANS TO NOMINATE A CANDIDATE TO THE PICKENS COUNTY LEGISLATIVE DELEGATION FOR RECOMMENDATION FOR APPOINTMENT AS PICKENS COUNTY VETERANS AFFAIRS OFFICER, SO AS TO DESIGNATE THE OFFICE OF THE PICKENS COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS AS THE POLLING LOCATION FOR THE ELECTION; TO ESTABLISH A THREE-WEEK VOTING PERIOD DURING THE BOARD'S NORMAL HOURS OF OPERATION IN WHICH TO CONDUCT THE ELECTION, TO AUTHORIZE ABSENTEE VOTING, AND TO SPECIFY WHEN THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF PICKENS COUNTY SHALL MEET TO CERTIFY RESULTS.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 5138 -- Rep. Lowe: A CONCURRENT RESOLUTION TO RECOGNIZE THE CASEY FELDMAN FOUNDATION AND THE SOUTH CAROLINA ASSOCIATION FOR JUSTICE FOR THEIR OUTSTANDING WORK IN HELPING PREVENT DISTRACTED DRIVING AND TO DESIGNATE APRIL 2018 AS "END DISTRACTED DRIVING" AWARENESS MONTH IN SOUTH CAROLINA.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 5139 -- Rep. Allison: A CONCURRENT RESOLUTION TO CONGRATULATE THE THIRTY-FIVE SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2018 ALL-STATE ACADEMIC TEAM IN THE ALL-USA ACADEMIC TEAM COMPETITION FOR TECHNICAL COLLEGES, COMMUNITY COLLEGES, AND JUNIOR COLLEGES, SPONSORED BY THE PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5142 -- Reps. J. E. Smith, Bernstein and Finlay: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND

WEDNESDAY, MARCH 21, 2018

THE A. C. FLORA FALCON BATTALION DRILL TEAM FOR THEIR HARD WORK AND TO CONGRATULATE ALL THE MEMBERS AND INSTRUCTORS FOR WINNING THE 2016-2017 DISTRICT ONE SUPERINTENDENT'S TROPHY AWARD.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5143 -- Rep. J. E. Smith: A CONCURRENT RESOLUTION TO HONOR CHAUDRON ZEGER OF COLUMBIA FOR HER DEDICATION TO ADVOCACY ON BEHALF OF CHILDREN IN SOUTH CAROLINA AND AROUND THE WORLD AND TO CONGRATULATE HER ON BEING NAMED 2018 NATIONAL ADVOCATE OF THE YEAR BY SAVE THE CHILDREN ACTION NETWORK.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5144 -- Reps. Murphy and Mace: A CONCURRENT RESOLUTION TO HONOR AND COMMEND LIEUTENANT GENERAL JOHN W. ROSA FOR HIS LIFETIME OF ACCOMPLISHMENT AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Concurrent Resolution was adopted, ordered returned to the House.

Expression of Personal Interest

Senator McELVEEN rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator McELVEEN, when reduced to writing and made available to the Desk, would be printed in the Journal.

ACTING PRESIDENT PRESIDES

Senator CROMER assumed the Chair.

PRESIDENT PRESIDES

At 12:58 P.M., the PRESIDENT assumed the Chair.

WEDNESDAY, MARCH 21, 2018

REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 547 -- Senators Massey, Grooms, Campbell, Young, Verdin, Rice, Timmons and Senn: A CONCURRENT RESOLUTION TO MAKE APPLICATION BY THE STATE OF SOUTH CAROLINA UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION OF THE STATES TO BE CALLED, RESTRICTED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT THROUGH A BALANCED BUDGET AMENDMENT.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 773 -- Senator Rice: A BILL TO AMEND SECTION 56-5-750, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF FAILURE TO STOP A MOTOR VEHICLE WHEN SIGNALLED BY A LAW ENFORCEMENT VEHICLE, SO AS TO INCREASE THE PENALTIES FOR VIOLATIONS OF THIS PROVISION.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 802 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-13-225 SO AS TO DEFINE TERMS FOR PURPOSES OF THE OFFENSES OF BREACH OF TRUST WITH FRAUDULENT INTENT AND OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES; AND TO AMEND SECTIONS 16-13-230 AND 16-13-240, RELATING TO BREACH OF TRUST WITH FRAUDULENT INTENT AND OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES, RESPECTIVELY, BOTH SO AS TO FURTHER DEFINE THE ELEMENTS OF THE OFFENSES.

Ordered for consideration tomorrow.

WEDNESDAY, MARCH 21, 2018

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 834 -- Senator Turner: A BILL TO AMEND SECTION 56-1-146 OF THE 1976 CODE, RELATING TO THE SURRENDER OF A DRIVER'S LICENSE BY A PERSON CONVICTED OF CERTAIN CRIMES, TO AMEND THE DEFINITION FOR A CRIME OF VIOLENCE.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 959 -- Senators Corbin and Hembree: A BILL TO AMEND SECTION 16-11-770 OF THE 1976 CODE, RELATING TO ILLEGAL GRAFFITI VANDALISM, TO PROVIDE THAT, NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-3-540, 22-3-545, 22-3-550, AND 14-25-65, A FIRST OFFENSE MAY BE TRIED IN MAGISTRATES OR MUNICIPAL COURT.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 982 -- Senator Hutto: A BILL AMEND SECTION 56-1-286, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF A LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES AND HAVE A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE WHO IS SERVING A SUSPENSION OR DENIAL OF A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM; TO AMEND SECTION 56-1-385, RELATING TO THE REINSTATEMENT OF PERMANENTLY REVOKED DRIVER'S LICENSES, SO AS TO LIMIT APPLICATION TO OFFENSES OCCURRING PRIOR TO OCTOBER 1, 2014; TO AMEND SECTION 56-1-400, RELATING TO SURRENDER OF A LICENSE AND ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICE ON A LICENSE, SO AS TO REORGANIZE FOR CLARITY, REMOVE THE REQUIREMENT THAT A PERSON SEEKING TO HAVE A LICENSE ISSUED MUST FIRST PROVIDE PROOF THAT ANY FINE OWED HAS BEEN PAID, AND INCLUDE REFERENCE TO THE HABITUAL

WEDNESDAY, MARCH 21, 2018

OFFENDER STATUTE; TO AMEND SECTION 56-1-1090, RELATING TO REQUESTS FOR RESTORATION OF THE PRIVILEGE TO OPERATE A MOTOR VEHICLE, SO AS TO ALLOW A PERSON CLASSIFIED AS AN HABITUAL OFFENDER TO OBTAIN A DRIVER'S LICENSE WITH AN INTERLOCK RESTRICTION IF HE PARTICIPATES IN THE INTERLOCK IGNITION PROGRAM; TO AMEND SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE PROVISIONAL LICENSES FOR FIRST OFFENSE DRIVING UNDER THE INFLUENCE UNLESS THE OFFENSE WAS CREATED PRIOR TO THE EFFECTIVE DATE OF THIS ACT; TO AMEND 56-1-1340, RELATING TO THE ISSUANCES OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM INTERNAL STATUTORY REFERENCES; TO AMEND SECTION 56-5-2941, AS AMENDED, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO INCLUDE REFERENCE TO THE HABITUAL OFFENDER STATUTE, REMOVE EXCEPTIONS TO IGNITION INTERLOCK DEVICES FOR OFFENDERS WHO ARE NONRESIDENTS AND FIRST TIME OFFENDERS OF DRIVING UNDER THE INFLUENCE WHO DID NOT REFUSE TO SUBMIT TO CHEMICAL TESTS AND HAD AN ALCOHOL CONCENTRATION OF LESS THAN FIFTEEN ONE HUNDREDTHS OF ONE PERCENT OR MORE, REQUIRE DEVICE MANUFACTURERS PAY CERTIFICATION FEES ASSOCIATED WITH IGNITION INTERLOCK DEVICES, PERMIT THOSE DRIVERS WITH PERMANENTLY REVOKED LICENSES AFTER OCTOBER 2014 TO SEEK RELIEF AFTER FIVE YEARS, AND MAKE THE RECORDS OF THE IGNITION INTERLOCK DEVICES THE RECORDS OF THE DEPARTMENT OF PROBATION, PARDON AND PAROLE; TO AMEND SECTION 56-5-2951, RELATING TO TEMPORARY ALCOHOL LICENSES, SO AS TO REQUIRE AN IGNITION INTERLOCK DEVICE RESTRICTION ON A TEMPORARY ALCOHOL LICENSE AND TO DELETE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES; AND TO AMEND SECTION 56-5-2990, RELATING TO SUSPENSION OF A CONVICTED PERSON'S DRIVER'S LICENSE AND THE PERIOD OF SUSPENSION, SO AS TO REQUIRE AN IGNITION INTERLOCK DEVICE IF A FIRST TIME OFFENDER OF DRIVING UNDER THE INFLUENCE SEEKS TO END A SUSPENSION.

Ordered for consideration tomorrow.

WEDNESDAY, MARCH 21, 2018

Senator YOUNG from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 1044 -- Senator Shealy: A BILL TO AMEND SECTION 50-13-260 OF THE 1976 CODE, RELATING TO THE PROTECTION OF FRESHWATER GAME FISH, TO ESTABLISH A YEAR-ROUND "CATCH AND RELEASE" ZONE ON THE LOWER REACH OF THE SALUDA RIVER.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources polled out S. 1099 favorable:

S. 1099 -- Senator Campbell: A BILL TO AMEND SECTION 48-20-280 OF THE 1976 CODE, RELATING TO THE APPLICATION OF THE SOUTH CAROLINA MINING ACT, TO ADD EXEMPTIONS FOR THE DEPARTMENT OF COMMERCE, DIVISION OF PUBLIC RAILWAYS, AND PERSONS ACTING UNDER CONTRACT WITH THE DEPARTMENT OF COMMERCE.

**Poll of the Agriculture and Natural Resources Committee
Polled 17; Ayes 16; Nays 0; Not Voting 1**

AYES

Verdin	<i>John Matthews</i>	Williams
Campbell	Sheheen	Gregory
Massey	McElveen	Sabb
Reese	Fanning	Goldfinch
Rice	Senn	Talley
Cash		

Total--16

NAYS

Total--0

NOT VOTING

Climmer

Total--1

Ordered for consideration tomorrow.

WEDNESDAY, MARCH 21, 2018

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 1101 -- Senators Young, Hutto and Massey: A BILL TO AMEND ACT 205 OF 2016, RELATING TO AN EXEMPTION OF PRIVATE, FOR-PROFIT PIPELINE COMPANIES FROM CERTAIN RIGHTS, POWERS, AND PRIVILEGES OF TELEGRAPH AND TELEPHONE COMPANIES THAT OTHERWISE ARE EXTENDED TO PIPELINE COMPANIES, TO EXTEND THE SUNSET PROVISION TO NOVEMBER 30, 2020.

Ordered for consideration tomorrow.

Senator YOUNG from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 1111 -- Senator Campsen: A BILL TO AMEND SECTION 50-5-2730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEDERAL FISHING REGULATIONS, SO AS TO PROVIDE A SPECIFIC SIZE AND POSSESSION LIMIT FOR COBIA.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Invitations polled out S. 1114 favorable:

S. 1114 -- Senator Allen: A SENATE RESOLUTION TO DECLARE APRIL 2018 AS "SECOND CHANCE MONTH" IN SOUTH CAROLINA AND TO COMMEND THIS OBSERVANCE TO ALL CITIZENS OF THIS GREAT STATE.

**Poll of the Invitations Committee
Polled 11; Ayes 0; Nays 0**

AYES

Davis	Alexander	Reese
Campsen	Cromer	Malloy
Johnson	Nicholson	Hembree
Young	Goldfinch	

Total--11

NAYS

Total--0

WEDNESDAY, MARCH 21, 2018

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 1120 -- Senator Campsen: A BILL TO ENACT THE "SOUTH CAROLINA LIEUTENANT GOVERNOR RESTRUCTURING ACT OF 2018" INCLUDING PROVISIONS TO AMEND SECTIONS 1-3-620, 1-17-20, 1-23-125(B), 1-23-125(D), 2-3-30, 2-3-90, 7-11-30(A), 7-17-10, 10-1-40, 14-27-20(10), 14-27-30, 14-27-40(2), 14-27-80, 44-56-840(A), AND 59-6-15(A), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR, SO AS TO REVISE STATUTORY REFERENCES TO CONFORM TO CONSTITUTIONAL AND STATUTORY CHANGES CONCERNING SELECTION AS PART OF A JOINT TICKET AND TO MAKE THE GOVERNOR RESPONSIBLE FOR THE EXISTING DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR SO THE GOVERNOR MAY DETERMINE HOW THOSE DUTIES AND RESPONSIBILITIES MAY BE ACCOMPLISHED; TO AMEND SECTIONS 1-11-720(A)(9), 1-30-10(A), 9-1-10(11)(g), 9-1-10(14), 29-4-60(D), 43-21-10, 43-21-20, 43-21-45, 43-21-60, 43-21-70, 43-21-100, 43-21-130(A)(1), 43-21-190(2), 44-36-20(21), 44-36-50, 44-36-310, 44-36-320(7), AND 44-36-330, RELATING TO THE OFFICE OF THE LIEUTENANT GOVERNOR, DIVISION ON AGING, SO AS TO CREATE IN THE EXECUTIVE BRANCH A DEPARTMENT ON AGING; TO REQUIRE, ON OR BEFORE JANUARY 1, 2019, THE CODE COMMISSIONER TO PREPARE AND DELIVER A REPORT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES RECOMMENDING ANY ADDITIONAL APPROPRIATE AND CONFORMING CHANGES TO THE 1976 CODE OF LAWS REFLECTING THE PROVISIONS OF THIS ACT; AND ON OR BEFORE JANUARY 1, 2019, TO REQUIRE THE JOINT LEGISLATIVE COMMITTEE ON AGING TO PREPARE AND DELIVER A REPORT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES RECOMMENDING ANY ADDITIONAL CHANGES TO THE DEPARTMENT ON AGING CREATED BY THIS ACT TO ENHANCE EFFICIENT AND COST EFFECTIVE DELIVERY OF SERVICES TO THE AGING COMMUNITY IN ACCORDANCE WITH THE FEDERAL OLDER AMERICANS ACT.

[SJ]

WEDNESDAY, MARCH 21, 2018

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 1128 -- Senators Rankin, Hutto, Massey, McElveen, Sabb, Gambrell and Climer: A JOINT RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF TO FILE AN ACTION IN CIRCUIT COURT TO REQUIRE THE PRODUCTION OF DOCUMENTS OR WITNESSES IN CERTAIN CIRCUMSTANCES IF AN ENTITY HAS PROVIDED GOODS OR SERVICES TO A UTILITY FOR THE DESIGN, CONSTRUCTION, OR OPERATION OF A FACILITY THAT HAS BEEN THE SUBJECT OF A PROCEEDING CONCERNING THE BASE LOAD REVIEW ACT; TO PROVIDE THAT THE ONLY RELIEF THE COURT MAY ORDER IS FOR THE PRODUCTION OF DOCUMENTS, REQUIRING THE APPEARANCE OF WITNESSES, ALLOWING THE OFFICE OF REGULATORY STAFF TO TAKE DEPOSITIONS, OR A COMBINATION THEREOF; TO REQUIRE THE ACTION TO BE HEARD AS AND DECIDED AS EXPEDITIOUSLY AS CONSISTENT WITH DUE PROCESS; AND TO PROVIDE FOR PENALTIES FOR FAILURE TO COMPLY WITH A COURT ORDER ISSUED PURSUANT TO THIS JOINT RESOLUTION.

Ordered for consideration tomorrow.

INVITATIONS ACCEPTED

On motion of Senator DAVIS, with unanimous consent, the following invitations were polled favorably from the Committee on Invitations and ordered placed on the Calendar:

Wednesday, April 4, 2018 - 8:00am-10:00am

Members and Staff, Breakfast, Blatt 118, by the **South Carolina Clean Energy Business Alliance**

Wednesday, April 4, 2018 - 11:30pm-2:00pm

Members Only, Luncheon, State House Grounds, by the **South Carolina Technical College System**

Thursday, April 5, 2018 - 8:00am-10:30am

Members Only, Breakfast, Blatt 112, by **Capitol Consulting Strategies**

[SJ]

WEDNESDAY, MARCH 21, 2018

Tuesday, April 10, 2018 - 11:30am-2:00pm

Members and Staff, Luncheon, State House Grounds, by the **South Carolina State Firefighters' Association**

Tuesday, April 10, 2018 - 5:30pm-8:00pm

Members and Staff, Reception, 1114 College Street, by the **South Carolina Beer Wholesalers Association**

Tuesday, April 10, 2018 - 5:30pm-7:30pm

Members and Staff, Reception, Hilton Columbia Center, by the **Associated Builders and Contractors of the Carolinas**

Wednesday, April 11, 2018 - 8:00am-10:00am

Members Only, Breakfast, 112 Blatt, by the **South Carolina Emergency Management Association**

Wednesday, April 11, 2018 - 11:30am-2:00pm

Members and Staff, Luncheon, State House Grounds, by the **South Carolina Hospital Association**

Thursday, April 12, 2018 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by **Absolute Total Care**

Tuesday, April 17, 2018 - 12:00pm-2:00pm

Members and Staff, Luncheon, State House Grounds, by the **Boeing, BMW, GE, and the South Carolina Manufacturers Alliance**

Tuesday, April 17, 2018 - 7:00pm-9:00pm

Members Only, Reception, Governor's Mansion Complex, by the **Home Builders Association of South Carolina**

Wednesday, April 18, 2018 - 8:00am-10:00am

Member Only, Breakfast, 112 Blatt, by the **South Carolina Speech Language and Hearing Association**

Wednesday, April 18, 2018 - 11:30pm-2:00pm

Members and Staff, Luncheon, State House Grounds, by the **South Carolina Restaurant and Lodging Association "Hospitality Day"**

WEDNESDAY, MARCH 21, 2018

Wednesday, April 18, 2018 - 5:00pm-7:00pm

Members and Staff, Reception, 1208 Washington Place, by the **South Carolina Association for Justice**

Thursday, April 19, 2018 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **South Carolina Association of Convenience Stores**

Tuesday, April 24, 2018 - 11:30am-2:00pm

Members and Staff, Luncheon, State House Grounds, by **Jasper County Chamber of Commerce**

Tuesday, April 24, 2018 - 6:30pm-10:00pm

Members Only, Reception, Goodman Building, Fairgrounds, by the **The Citadel Alumni Association**

Wednesday, April 25, 2018 - 8:00am-10:00am

Members Only, Breakfast, 112 Blatt, by the **South Carolina Access and Independence Networks**

Wednesday, April 25, 2018 - 12:00pm-2:00pm

Members & Staff, Luncheon, 112 Blatt, by the **South Carolina Association of Habitat Affiliates**

Wednesday, April 25, 2018 - 6:00pm-8:00pm

Members and Staff, Reception, 8301 Parklane Road, by the **South Carolina Archives and History Foundation**

Thursday, April 26, 2018 - 8:00am-10:00am

Members & Staff, Breakfast, 112 Blatt, by “**Future Scholars**”- **South Carolina State Treasurer’s Office**

**Poll of the Invitations Committee
Polled 11; Ayes 11; Nays 0**

AYES

Davis	Alexander	Reese
Campsen	Cromer	Malloy
Johnson	Nicholson	Hembree
Young	Goldfinch	

[SJ]

WEDNESDAY, MARCH 21, 2018

Total--11

NAYS

Total--0

Ordered for consideration tomorrow.

HOUSE CONCURRENCES

S. 1053 -- Senator Shealy: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 15, 2018.

Returned with concurrence.

Received as information.

S. 1098 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE TUESDAY, APRIL 10, 2018, AS "DONOR DAY" IN SOUTH CAROLINA; TO HONOR ALL THOSE WHO HAVE MADE THE DECISION TO GIVE THE GIFT OF LIFE; TO FOCUS ATTENTION ON THE EXTREME NEED FOR ORGAN, EYE, AND TISSUE DONATION; AND TO ENCOURAGE ALL RESIDENTS TO TAKE ACTION AND SIGN UP ON SOUTH CAROLINA'S ORGAN AND TISSUE DONOR REGISTRY AT THEIR LOCAL SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES OFFICE OR AT DONATE LIFE SOUTH CAROLINA'S WEBSITE.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 541 -- Senator Shealy: A BILL TO AMEND SECTION 63-7-20(6) OF THE 1976 CODE, RELATING TO THE CHILD PROTECTION AND PERMANENCY DEFINITIONS TO PROVIDE THAT A CHILD VICTIM OF SEX TRAFFICKING OR SEVERE FORMS OF

WEDNESDAY, MARCH 21, 2018

TRAFFICKING IN PERSONS IS A VICTIM OF CHILD ABUSE OR NEGLECT.

S. 928 -- Senators Scott, Jackson, McLeod, Campbell and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-180 SO AS TO PROVIDE THAT A SPECIAL PURPOSE DISTRICT THAT HAS ACQUIRED A WORK OF ART BY GIFT, BEQUEST, PURCHASE, OR BY OTHER MEANS, MAY TRANSFER OWNERSHIP OF THE OBJECT TO A NONPROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF DISPLAYING WORKS OF ART FOR SUCH CONSIDERATION OR UPON THE TERMS THE GOVERNING BODY OF THE SPECIAL PURPOSE DISTRICT, IN ITS DISCRETION, FINDS TO BE SUFFICIENT AND APPROPRIATE.

S. 1042 -- Senator Gambrell: A BILL TO AMEND SECTION 38-1-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO TITLE 38, SO AS TO DEFINE THE TERM "INTERNATIONAL MAJOR MEDICAL INSURANCE" AND TO INCLUDE THIS FORM OF INSURANCE IN THE DEFINITION FOR THE TERM "SURPLUS LINES INSURANCE".

SECOND READING BILL

S. 1116 -- Senator Timmons: A BILL TO AMEND ACT 432 OF 1947, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE GREENVILLE HEALTH SYSTEM, SO AS TO CHANGE THE NAME TO GREENVILLE HEALTH AUTHORITY, AND TO PROVIDE FOR THE FULFILLMENT OF GREENVILLE HEALTH AUTHORITY'S PURPOSE THROUGH THE OPERATION OF FACILITIES AND DELIVERY OF SERVICES BY AGREEMENT WITH NONPROFIT ENTITIES; AND TO RATIFY THE ACTIONS OF THE GREENVILLE HEALTH SYSTEM IN ENTERING INTO THE AMENDED MASTER AFFILIATION AGREEMENT AND THE LEASE AND CONTRIBUTION AGREEMENT.

The Senate proceeded to a consideration of the Bill.

Senator MARTIN proposed the following amendment (1116R001.SP.SRM), which was withdrawn:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

WEDNESDAY, MARCH 21, 2018

/ SECTION 1. SECTION 4 of Act 432 of 1947, as amended by SECTION 2 of Act 105 of 2013, is repealed.

SECTION 2. Act 432 of 1947, as last amended by Act 105 of 2013, is amended by adding an appropriately numbered new SECTION to read:

“SECTION (). Pursuant to this act, the Greenville Health System Board of Trustees must terminate the Master Affiliation Agreement and Lease between the Greenville Health System and the Upstate Affiliate Organization and unwind contracts entered into with other health systems outside of the Greenville Health System because the Board’s actions regarding the Master Affiliation Agreement and Lease were ultra vires. Further, the Board is authorized and empowered to do all things necessary or convenient to facilitate the unrestricted sale of all system assets for a maximum monetary value in a manner set forth under the provisions of this act.”

SECTION 3. Act 432 of 1947, as last amended by Act 105 of 2013, is further amended by adding an appropriately numbered new SECTION to read:

“SECTION (). A. The Greenville County Legislative Delegation shall appoint an interim president to serve as the president of Greenville Health System. The interim president is responsible for the continued daily operations of the Greenville Health System. Within thirty days of appointment, the interim president shall work with the Greenville County Legislative Delegation to make recommendations for a five-member Strategic Committee for the purpose of hiring specialized legal counsel and an investment banker or strategic advisory firm to manage the sale of all Greenville Health System assets.

B. In addition to the duties prescribed in subsection A, the interim president shall create a newly formed 501(c)(3) to be called the Greenville Health Foundation, or similar title. The new entity shall be responsible for distributing accrued interest income from monies from the sale of the assets as prescribed by law. One-third of this distribution must be used to assist socioeconomically disadvantaged populations within the community. The new entity shall be comprised of an eleven-member board. Board members must be recommended by the interim president to the Greenville County Legislative Delegation and must be approved by the delegation. All recommendations to the board shall take into account race, gender, expertise, and other qualifications that may be pertinent to service on the board so that members are mindful, to the greatest extent possible, of the needs of all segments of the population of Greenville County. Board members shall serve initial

WEDNESDAY, MARCH 21, 2018

terms as follows: three members shall serve for a term of three years; four members shall serve for a term of four years; and four members shall serve for a term of five years. Thereafter, the board will be appointed by the Greenville County Legislative Delegation, as positions become available, for three-year terms.”

SECTION 4. Act 432 of 1947, as last amended by Act 105 of 2013, is further amended by adding an appropriately numbered new SECTION to read:

“SECTION (). A. Greenville Health System shall engage in a competitive bidding process for the purpose of selling the assets of the system. To facilitate the sale, the interim president shall submit recommendations of individuals with experience in health care administration, law, investment banking, mergers and acquisitions, or other related fields to the Greenville County Legislative Delegation. From these names, the delegation shall form a five-person Strategic Committee to engage specialized legal counsel and an investment banking or strategic advisory firm to assist the committee in developing and executing the bidding and transaction process.

B. The Strategic Committee shall require the investment bank or strategic advisory firm to conduct a thorough review of the financial and operating performance of the hospital system and to evaluate markets and growth opportunities available to a buyer. The Strategic Committee shall request that the bank or firm handle the following:

1. develop a preliminary valuation of the system’s assets;
2. prepare a confidential information memorandum to provide to all interested parties that sign a non-disclosure agreement;
3. identify and prequalify all parties to be contacted for bidding;
4. develop information required of interested parties, including, but not limited to, the form of consideration, operating history of similar facilities, commitment to maintain services, intent to grow services, and maintenance of charity care policies;
5. review a range of transaction structures;
6. solicit initial bids;
7. prepare a management meeting for interested parties sufficiently satisfying initial bid requirements;
8. organize, supervise, and manage all due diligence between the interested parties and Greenville Health System;
9. negotiate financial and non-financial terms with bidding finalists;
10. advise the Strategic Committee, interim president, and Board of Directors of the merits and risks of the final proposals;

WEDNESDAY, MARCH 21, 2018

11. work with special counsel to negotiate the letter of intent and definitive agreements with the selected bidder;
12. present information to the Board of Directors regarding the bidding process and negotiations;
13. render a fairness opinion to the Board of Directors;
14. supervise the confirmatory due diligence with the selected bidder;
15. assist in closing the transaction; and
16. provide assistance in any other matters relevant to facilitating the sale of the system's assets.

C. The Greenville County Legislative Delegation shall have final approval of the sale of the system's assets."

SECTION 5. Act 432 of 1947, as last amended by Act 105 of 2013, is further amended by adding an appropriately numbered new SECTION to read:

"SECTION (). All monies collected from the sale of the assets of the Greenville Health System shall be distributed as follows:

A. All bonds, any necessary costs to complete defeasance transactions, revenues, or general obligations shall be paid to satisfy any debt incurred by the Greenville Health System prior to entering into the Master Affiliation Agreement and Lease. This amount shall be distributed before the remainder of the funds is disbursed.

B. Up to twenty million dollars may be used to satisfy any unwinding costs associated with contracts entered into with other health systems outside of the Greenville Health System.

C. The remaining proceeds shall be evenly distributed in the following manner:

1. One-fourth of the remaining proceeds shall be given to the State of South Carolina in the following amounts:

- i. forty million dollars to purchase school buses as necessary to replace a critically aging fleet;
- ii. twenty-five million dollars to Greenville Technical College for the purpose of creating a scholarship to support workforce development;
- iii. five million dollars to Greenville Technical College to create a workforce reentry center at the college, with the newly formed entity to offset expungement fees by fifty percent;
- iv. ten million dollars to the South Carolina Department of Alcohol and Other Drug Abuse Services for science, technology, engineering, and mathematics-based (STEM) K-12 initiatives in Greenville County;

WEDNESDAY, MARCH 21, 2018

v. five million to the South Carolina Medical-Legal Partnership in Greenville County; and

vi. all remaining funds allocated in five million dollar increments to Greenville County schools to provide support services to low income students and families and to charter schools in Greenville County in two million dollar increments, until the remaining funds have been expended.

2. One-fourth of the remaining proceeds shall be distributed to the University of South Carolina School of Medicine Greenville to serve as an endowment for the purpose of educating, training, and growing the medical workforce in the Upstate. Five million dollars must be distributed to the Levi S. Kirkland, Sr., M.D. Scholarship Fund for the purpose of providing scholarships to students attending the University of South Carolina School of Medicine Greenville. Twenty-five percent of these proceeds must be distributed to socioeconomically disadvantaged individuals or minorities.

3. One-fourth of the remaining proceeds shall be distributed to the Greenville County Council in the following amounts:

i. Council must use sixty percent of the proceeds to offset residential property taxes for residential homes currently taxed at four percent for a period of five years;

ii. Council shall distribute fifty million dollars to facilitate affordable housing within the City of Greenville and Greenville County;

iii. Council shall distribute ten million dollars to the Greenville Area Development Corporation for the purpose of developing and supporting minority-owned small businesses in Greenville County;

iv. Council shall distribute ten million dollars for the purpose of developing emerging and existing small businesses engaged in agriculture in Greenville County through low interest loans, grants, and a reduction of taxes and fees;

v. Council shall distribute five million dollars for construction of the Hampton Avenue bridge for vehicular and pedestrian traffic in the City of Greenville if the necessary approval is obtained from the required parties; and

vi. Remaining monies shall be distributed to fund projects around Greenville County to support the health-related needs of all segments of the population considering factors including, but not limited to, race, gender, geographical distribution, socioeconomic status, and disadvantaged communities.

4. One-fourth of the remaining proceeds shall be distributed to the newly formed 501(c)(3) created by the interim president, who is

WEDNESDAY, MARCH 21, 2018

responsible for distributing the accrued interest income from monies from the sale of the assets as prescribed by law, for the purpose of serving the needs of all segments of the population of Greenville County. Of this amount, twenty-five percent must be expended on socioeconomically disadvantaged and minority communities.”

SECTION 6. Upon the effective date of this act, no public monies or assets may be expended or liquidated for the purpose of pursuing legal challenges related to this act within a court of competent jurisdiction.

SECTION 7. The persons holding executive positions within the 501(c)(3) organizations, who unlawfully received governance authority under the Master Affiliation Agreement and Lease, shall vacate all office space controlled by Greenville Health System at the discretion of the newly appointed interim president.

SECTION 8. Any provision in conflict with the provisions of this act is repealed.

SECTION 9. Upon final distribution of the assets after a sale, Act 432 of 1947 and all amendments to the act are repealed, except for all provisions related to the newly formed entity responsible for distributing accrued interest income from monies from the sale of the assets as prescribed by law. The interim president shall become the executive director of the entity and serves at the pleasure of the Greenville County Legislative Delegation. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

On motion of Senator MARTIN, with unanimous consent, the amendment was withdrawn.

Remarks to be Printed

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator MARTIN, when reduced to writing and made available to the Desk, would be printed in the Journal.

Senator CORBIN proposed the following amendment (1116R002.SP.TDC), which was not adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. (A) An advisory referendum must be held at the same time as the 2018 General Election in Greenville County on the

WEDNESDAY, MARCH 21, 2018

question of whether the qualified electors of the county favor the Greenville Health System being governed by a board of directors nominated and appointed by the Greenville County Legislative Delegation and whether the qualified electors of the county favor agreements by the Greenville Health System to lease its assets to a private entity for up to one hundred years for one dollar a year being deemed null and void. The advisory referendum for this purpose must be conducted by the Greenville County Board of Voter Registration and Elections. The county board of voter registration and elections shall conduct and supervise the advisory referendum in the same manner governed by the election laws of this State, mutatis mutandis. The board shall frame the question for the ballot, prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the advisory referendum, including counting the ballots and declaring the results. The board shall advertise the date of the advisory referendum sixty days preceding it in a newspaper of general circulation in the county and shall publish a second notice thirty days before the advisory referendum. The cost of the advisory referendum must be paid by Greenville County.

(B) The questions put before the qualified electors of the county at the 2018 advisory referendum shall read as follows:

“Shall the Greenville Health System (GHS) be governed solely by a board of directors nominated and appointed by the Greenville County Legislative Delegation?”

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

“Shall any agreement by the Greenville Health System (GHS) to lease its assets to a private entity for up to one hundred years for one dollar a year be deemed null and void?”

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

SECTION 2. This joint resolution takes effect upon approval by the Governor. /

WEDNESDAY, MARCH 21, 2018

Re-number sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 2; Nays 4

AYES

Corbin

Martin

Total--2

NAYS

Alexander
Turner

Talley

Timmons

Total--4

The amendment failed.

Senator CORBIN proposed the following amendment (1116MW3), which was not adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. (A) If the provisions of subsection (B) are met, then the General Assembly ratifies the actions of the Greenville Health System in entering into the amended Master Affiliation Agreement and the Lease and Contribution Agreement.

(B) Each party to the agreements set forth in subsection (A) must approve an amendment thereto that specifies that if Class T membership rights are held by an entity that formerly merged or consolidated with any of the agreeing parties set forth in subsection (A), then the Class T member retains the right to elect its pro rata share of the seats on the resulting board that the agreeing parties set forth in subsection (A), or its members, are entitled to appoint or elect. This provision enumerated in local legislation shall not apply to any subsequent merger. /

Re-number sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

WEDNESDAY, MARCH 21, 2018

The amendment failed.

Remarks to be Printed

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator CORBIN, when reduced to writing and made available to the Desk, would be printed in the Journal.

Senator TIMMONS spoke on the Bill.

Point of Order

Senator McELVEEN raised the Point of Order under Rule 32 that the Bill has statewide implications and therefore consideration is out of order on the Local and Uncontested Calendar.

Senator TIMMONS spoke against the Point of Order.

Senator MARTIN spoke against the Point of Order.

Senator McELVEEN spoke in favor the Point of Order.

Senator ALEXANDER spoke against the Point of Order.

Senator KIMPSON spoke in favor the Point of Order.

Point of Order

Senator TIMMONS raised the Point of Order that the Point of Order raised by Senator McELVEEN came too late.

Senator McELVEEN spoke against the Point of Order.

The President overruled the Point of Order.

The President overruled the Point of Order raised by Senator McELVEEN.

Appeal of the Ruling by the PRESIDENT

Senator McELVEEN appealed the Ruling by the PRESIDENT.

ACTING PRESIDENT PRESIDES

At 1:55 P.M., Senator CROMER assumed the Chair.

The question then was, "Shall the Ruling by the PRESIDENT be overridden?"

WEDNESDAY, MARCH 21, 2018

Senator McELVEEN spoke in favor of overriding the Ruling by the PRESIDENT.

Senator ALEXANDER spoke in favor of upholding the Ruling by the PRESIDENT.

Senator TIMMONS spoke in favor of upholding the Ruling by the PRESIDENT.

Objection

Senator SHEHEEN asked unanimous consent to make a motion to carry over the Bill.

Senator TIMMONS objected.

The question then was, "Shall the Ruling by the PRESIDENT be overridden?"

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 10; Nays 25; Present 4

AYES

Corbin	Hutto	Johnson
Kimpson	Martin	<i>Matthews, Margie</i>
McElveen	McLeod	Reese
Setzler		

Total--10

NAYS

Alexander	Allen	Bennett
Campbell	Cash	Climer
Cromer	Davis	Fanning
Goldfinch	Gregory	Grooms
Hembree	Leatherman	Massey
Nicholson	Peeler	Rankin
Rice	Senn	Talley
Timmons	Turner	Verdin
Young		

Total--25

PRESENT

WEDNESDAY, MARCH 21, 2018

Sabb Scott Shealy
Williams

Total--4

The Ruling of the PRESIDENT was upheld.

PRESIDENT PRESIDES

At 2:38 P.M., the PRESIDENT assumed the Chair.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 4; Nays 2

AYES

Allen Talley Timmons
Turner

Total--4

NAYS

Corbin Martin

Total--2

The Bill, having been read the second time, was ordered placed on the Third Reading Calendar.

MOTION TO VARY THE ORDER OF THE DAY ADOPTED

On motion of Senator MALLOY, under Rule 32A, the Senate agreed to vary the order of the day and proceed directly to the Special Order.

Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator CAMPBELL, with unanimous consent, the remarks of Senator GROOMS, when reduced to writing and made available to the Desk, would be printed in the Journal.

WEDNESDAY, MARCH 21, 2018

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator MARTIN rose for an Expression of Personal Interest.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

AMENDED, READ THE SECOND TIME

H. 4729 -- Reps. Delleney, Yow, McCravy, Finlay, Spires, Loftis, G.R. Smith, Norrell, Funderburk, Huggins, Magnuson, Hewitt, Cobb-Hunter, Jordan, Clary, Johnson, Bennett, Martin, Bernstein, W. Newton, Fry, G.M. Smith, Caskey, Long, Burns, Chumley, Bannister, Trantham, Bryant, Duckworth, Elliott, Forrest, Hayes, Henderson, Henegan, Herbkersman, Hiott, McCoy, D.C. Moss, Pitts, Pope, Simrill, J.E. Smith, Tallon, Toole, Wheeler, White, Willis and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-6-141 SO AS TO PROHIBIT THE DEPARTMENT OF REVENUE FROM ISSUING MORE THAN THREE RETAIL DEALER LICENSES TO ONE LICENSEE; BY ADDING SECTION 61-6-151 SO AS TO PROHIBIT A LICENSEE FROM HAVING AN INTEREST IN A RETAIL LIQUOR STORE OTHER THAN THE THREE STORES COVERED BY HIS RETAIL DEALER'S LICENSE; AND TO AMEND SECTION 61-6-1636, RELATING TO THE SALE OF ALCOHOLIC LIQUOR BY THE DRINK, SO AS TO ALLOW A LICENSED WHOLESALER TO DELIVER NEW ALCOHOLIC LIQUOR TO A PERSON LICENSED TO SELL ALCOHOLIC LIQUORS FOR ON-PREMISES CONSUMPTION UNDER CERTAIN CIRCUMSTANCES.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator HUTTO explained the Bill.

Amendment No. 1

Senator HUTTO proposed the following amendment (JUD4729.016), which was withdrawn:

Amend the bill, as and if amended, page 2, by striking lines 21 through 26, as contained in SECTION 2, and inserting therein the following:

WEDNESDAY, MARCH 21, 2018

/ (1) The department shall not issue more than thirteen retail dealer licenses to one licensee, and the licensee must be eligible for a license for each store pursuant to Section 61-6-110.

(2) The limitation of no more than thirteen retail dealer licenses to one licensee does not apply to a person having an interest in retail liquor stores as of July 1, 1978.” /

Amend the bill further, as and if amended, page 2, by striking lines 31 through 40, as contained in SECTION 3, and inserting therein the following:

/ “Section 61-6-151. To protect the health, safety, and morals of the residents of this State, no person, directly or indirectly, individually or as a member of a partnership or an association, as a member or stockholder of a corporation, or as a relative to a person by blood or marriage within the second degree, may have any interest whatsoever in a retail liquor store licensed under this section except the thirteen stores covered by his retail dealer’s licenses, as provided for in Section 61-6-141. The prohibitions in this section do not apply to a person having an interest in retail liquor stores on July 1, 1978.” /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO spoke on the amendment.

ACTING PRESIDENT PRESIDES

Senator GOLDFINCH assumed the Chair.

Senator HUTTO resumed speaking on the amendment.

Point of Quorum

At 5:14 P.M., Senator CLIMER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator HUTTO moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Hembree	Hutto

[SJ]

WEDNESDAY, MARCH 21, 2018

Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Senator HUTTO resumed speaking on the amendment.

Objection

At 5:21 P.M., Senator HUTTO moved that the Senate recessed from business not to exceed 5 minutes.

Senator M.B. MATTHEWS objected

Senator HUTTO resumed speaking on the amendment.

Objection

Senator PEELER asked unanimous consent to make a motion that with Senator HUTTO retaining the floor the Bill be given a second reading, carrying over all amendments, and waiving the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator M.B. MATTHEWS objected.

Senator HUTTO resumed speaking on the amendment.

Objection

At 5:50 P.M., Senator RANKIN moved that the Senate recessed from business not to exceed 10 minutes.

Senator M.B. MATTHEWS objected

Senator HUTTO resumed speaking on the amendment.

Senator SHEHEEN spoke on the amendment.

Senator HUTTO spoke on the amendment.

WEDNESDAY, MARCH 21, 2018

Objection

Senator CLIMER asked unanimous consent to proceed to Amendment No. 38.

Senator HUTTO objected.

Objection

Senator CLIMER asked unanimous consent to proceed to Amendment No. 37.

Senator HUTTO objected.

Motion Under Rule 15A Failed

At 6:55 P.M., Senator CLIMER moved under the provisions of Rule 15A that the debate on the entire matter of H. 4729 be brought to a close.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 5; Nays 35

AYES

Cash	Climer	Corbin
Hembree	Massey	

Total--5

NAYS

Alexander	Allen	Bennett
Campbell	Cromer	Davis
Fanning	Goldfinch	Gregory
Grooms	Hutto	Johnson
Kimpson	Leatherman	Malloy
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--35

Having failed to receive the necessary vote, the motion failed.

WEDNESDAY, MARCH 21, 2018

Senator SHEHEEN spoke on the amendment.

Motion Adopted

Senator HUTTO asked unanimous consent to proceed to Amendment No. 2.

There was no objection.

Amendment No. 2

Senator HUTTO proposed the following amendment (JUD4729.015), which was withdrawn:

Amend the bill, as and if amended, page 2, by striking lines 21 through 26, as contained in SECTION 2, and inserting therein the following:

/ (1) The department shall not issue more than fourteen retail dealer licenses to one licensee, and the licensee must be eligible for a license for each store pursuant to Section 61-6-110.

(2) The limitation of no more than fourteen retail dealer licenses to one licensee does not apply to a person having an interest in retail liquor stores as of July 1, 1978.” /

Amend the bill further, as and if amended, page 2, by striking lines 31 through 40, as contained in SECTION 3, and inserting therein the following:

/ “Section 61-6-151. To protect the health, safety, and morals of the residents of this State, no person, directly or indirectly, individually or as a member of a partnership or an association, as a member or stockholder of a corporation, or as a relative to a person by blood or marriage within the second degree, may have any interest whatsoever in a retail liquor store licensed under this section except the fourteen stores covered by his retail dealer’s licenses, as provided for in Section 61-6-141. The prohibitions in this section do not apply to a person having an interest in retail liquor stores on July 1, 1978.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the amendment.

RECESS

At 7:06 P.M., on motion of Senator YOUNG, with Senator SHEHEEN retaining the floor, the Senate recessed from business not to exceed 5 minutes.

At 7:40 P.M., the Senate resumed.

WEDNESDAY, MARCH 21, 2018

Senator HUTTO spoke on the amendment.

Senator HUTTO moved to table Amendment No. 2.
The amendment was tabled.

Objection

Senator SETZLER asked unanimous consent to return to Amendment No. 2.

Senator RANKIN objected.

Having voted on the prevailing side, Senator MALLOY moved to reconsider the vote whereby Amendment No. 2 was tabled.

There was no objection.

Senator HUTTO explained Amendment No. 2.

Senator KIMPSON spoke on the amendment.

Senator MALLOY spoke on the amendment.

Senator HUTTO spoke on the amendment.

Senator FANNING spoke on the amendment.

Motion Adopted

Senator MALLOY asked unanimous consent, with Senator FANNING retaining the floor, to proceed to Amendment No. 44.

There was no objection.

Amendment No. 44

Senators SHEHEEN, SETZLER, MALLOY and MASSEY proposed the following amendment (4729R005.SP.VAS), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 29-42 and page 2, by striking lines 1-5, as contained in SECTION 1, and inserting therein the following:

/ SECTION 1. The General Assembly finds and declares that:

(A) The state has a substantial interest in exercising its powers and the powers granted to the state by the Twenty-first Amendment to the Constitution of the United States and in regulating alcoholic liquors, including the activities of manufacturers, importers, wholesalers, and retailers; the number and localities of retail dealer licenses; and the influences that affect the consumption levels of alcoholic liquors by the people of the state.

WEDNESDAY, MARCH 21, 2018

(B) The state's police power to regulate the business of retail liquor sales in the manner and to the extent allowed by law including, but not limited to, Article VIII-A, Section 1 of the South Carolina Constitution includes regulating the number and localities of retail dealer licenses that a person may be issued and regulating what wholesalers may deliver to persons licensed to sell alcoholic liquors for on-premises consumption, processes that affects the health, safety, and morals of the state.

(C) The public policy of this state and the legislative purpose of this act is to:

(1) strictly regulate alcoholic liquors to protect the health of this state and its residents. Excessive use of alcohol has wide ranging deleterious health effects, including death. The General Assembly acknowledges that, according to the United States Centers for Disease Control, during the period from 2006-2010 an average of 1,539 of this State's residents suffered alcohol attributed deaths due to excessive alcohol use and the rate of binge drinking in this State is ranked among the highest in the nation.

(2) strictly regulate alcoholic liquors to protect the safety of this State and its residents. The General Assembly acknowledges that, according to the National Highway Traffic Safety Administration, this State had three hundred and thirty one alcohol-impaired-driving fatalities in 2016, which accounted for thirty-three percent of the total traffic fatalities in the State. Attributed deaths due to alcohol-impaired driving in this State is ranked among the highest in the nation.

(3) strictly regulate alcoholic liquors to protect the morals of this State and its residents by fostering moderation and responsibility in the use and consumption of alcoholic liquors. The General Assembly recognizes the prevalence of scientific data compiled by the Community Prevention Services Task Force establishing a positive association between outlet density, including the number of retail liquor stores, and excessive alcohol consumption and related harms and further concurs with the Task Force's recommendation to limit outlet density in the effort to address those problems.

(4) protect the collection of state taxes imposed upon alcoholic liquors.

(5) protect the interests of consumers against fraud and misleading practices in the sale of alcoholic liquors and avoid problems associated with indiscriminate price cutting and excessive advertising of alcoholic liquors.

WEDNESDAY, MARCH 21, 2018

(6) provide a framework for the sale of alcoholic liquors that recognizes and encourages the beneficial aspects of competition and to prevent monopolies.

(7) maintain trade stability and provide for the continuation of control and orderly processing by the state over the number and locations of retail liquor stores.

(8) prevent the concentration of retail liquor stores in close proximity thereby affecting the health and morals of the State.

(9) prohibit discrimination in the sale of alcoholic liquors to retail licensees. /

Amend the bill further, as and if amended, page 2, line 27, by inserting:

/ (3)(a) A licensee may be issued up to an additional three retail dealer licenses under the conditions provided in this item. Additional retail dealer licenses issued pursuant to this item must be for retail locations in counties with populations in excess of two hundred fifty thousand residents. Licensees issued a retail dealer license pursuant to this subitem may not operate more than two stores in a county with a population in excess of two hundred fifty thousand residents.

(b) A licensee who as of March 21, 2018 operates three retail dealer licensed stores within a county with a population in excess of two hundred fifty thousand residents may be issued two additional retail dealer licenses under subitem (a) to operate in that county.” /

Amend the bill further, as and if amended, page 2, by striking lines 37-40 and inserting:

/except the six stores covered by his retail dealer’s licenses, as provided for in Section 61-6-141.” /

Amend the bill further, as and if amended, page 3, by striking lines 2 through 22, in Section 61-6-1636, as contained in SECTION 4, and inserting therein the following:

/ “Section 61-6-1636. (A) A person licensed by this article for sale and use for on-premises consumption shall purchase alcoholic liquor for sale by the drink from a licensed retail dealer with a wholesaler’s basic permit issued pursuant to the Federal Alcohol Administration Act or from a licensed wholesaler, as provided in subsection (C), in any size bottle, except 1.75 liter size bottles.

(B) A licensed retail dealer with a wholesaler’s basic permit issued pursuant to the Federal Alcohol Administration Act may deliver, in sealed containers, alcoholic liquor in any size bottle, except 1.75 liter size bottles, to a person licensed by this article to sell alcoholic liquors for on-premises consumption.

WEDNESDAY, MARCH 21, 2018

(C)(1) For the purposes of this subsection, ‘new alcoholic liquor’ means alcoholic liquor not previously sold in this state. (2) A licensed wholesaler may deliver new alcoholic liquor to a person licensed by this article to sell alcoholic liquors for on-premises consumption:

(a) in sealed containers and in any size bottle, except 1.75 liter size bottles, and

(b) only during the first one hundred and eighty days from the date of the first bill of lading in this state for that new alcoholic liquor.

(3) Within ten days of receipt of the first bill of lading, the licensed wholesaler must provide a copy of the bill of lading to the department in the manner prescribed by the department.” /

Amend the bill further, as and if amended, page 3, line 35, by adding appropriately numbered new SECTIONS to read:

/ SECTION ___. (A)(1) Until May 31, 2018, the department shall not issue more than three retail dealer licenses to one licensee, and the licensee must be eligible for a license for each store pursuant to Section 61-6-110.

(2) The limitation of no more than three retail dealer licenses to one licensee does not apply to a person having an interest in retail liquor stores as of July 1, 1978. Additional retail dealer licenses may be issued to that person as provided in this section.

(B) Beginning June 1, 2018, no more than four retail dealer licenses may be issued to one licensee, and the licensee must be eligible for each license for each store pursuant to Section 61-6-110.

(C) Beginning June 1, 2020, no more than five retail dealer licenses may be issued to one licensee, and the licensee must be eligible for each license for each store pursuant to Section 61-6-110.

(D) Beginning June 1, 2022, no more than six retail dealer licenses may be issued to one licensee, and the licensee must be eligible for each license for each store pursuant to Section 61-6-110.

SECTION ___. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. /

WEDNESDAY, MARCH 21, 2018

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 8

AYES

Alexander	Bennett	Campbell
Cash	Climer	Corbin
Cromer	Davis	Goldfinch
Gregory	Grooms	Hembree
Hutto	Kimpson	Leatherman
Malloy	Massey	<i>Matthews, John</i>
McElveen	Nicholson	Rankin
Reese	Rice	Scott
Senn	Setzler	Shealy
Sheheen	Timmons	Turner
Verdin	Williams	Young

Total--33

NAYS

Allen	Fanning	Johnson
<i>Matthews, Margie</i>	McLeod	Peeler
Sabb	Talley	

Total--8

The amendment was adopted.

Senator HUTTO asked unanimous consent to proceed to Amendment No. 45.

WEDNESDAY, MARCH 21, 2018

Amendment No. 45

Senator FANNING proposed the following amendment (4729R006.SP.WC), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. The General Assembly affirms its police power to regulate the business of retail liquor sales in the manner and to the extent allowed by law including, but not limited to, Article VIII-A, Section 1 of the South Carolina Constitution. This police power includes regulating the number and localities of retail dealer licenses that a person may be issued, a process that affects the health, safety, and morals of the State. Regulation of the number and localities of retail dealer licenses prevents monopolies and avoids problems associated with indiscriminate price cutting, excessive advertising of alcoholic products, and concentration of retail liquor stores in close proximity thereby affecting the health and morals of the State. Accordingly, the exercise of this police power allows the General Assembly to (1) protect the health, safety, and morals of this State and its residents; (2) prevent indiscriminate price cutting, excessive advertising of alcoholic products, and concentration of retail liquor stores in close proximity; (3) provide for the continuation of control and orderly processing by the State over the number and locations of retail liquor stores; and (4) ensure compliance with other laws governing the sales of alcoholic beverages.

SECTION 2. Article 3, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61-6-141. To protect the health, safety, and morals of the residents of this State, the issuance of retail dealer licenses must be governed pursuant to the following requirements to promote adequate law enforcement, regulatory measures, health care costs, and associated impacts on the health, safety, and welfare of the state’s residents resulting from the anticipated sales of liquor, and to curb relationships and practices calculated to stimulate sales and impair the state’s policy favoring trade stability and the promotion of temperance, in determining whether a political subdivision is adequately served pursuant to Section 61-6-170, and to provide for an orderly provision of retail dealer licenses:

(1) The department shall not issue more than five retail dealer licenses to one licensee, and the licensee must be eligible for a license for each store pursuant to Section 61-6-110.

WEDNESDAY, MARCH 21, 2018

(2) The limitation of no more than five retail dealer licenses to one licensee does not apply to a person having an interest in retail liquor stores as of July 1, 1978.”

SECTION 3. Article 3, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61-6-151. To protect the health, safety, and morals of the residents of this State, no person, directly or indirectly, individually or as a member of a partnership or an association, as a member or stockholder of a corporation, or as a relative to a person by blood or marriage within the second degree, may have any interest whatsoever in a retail liquor store licensed under this section except the five stores covered by his retail dealer’s licenses, as provided for in Section 61-6-141. The prohibitions in this section do not apply to a person having an interest in retail liquor stores on July 1, 1978.

SECTION 4. Section 61-6-1636 of the 1976 Code is amended to read:

“Section 61-6-1636. (A) A person licensed by this article for sale and use for on-premises consumption shall purchase alcoholic liquor for sale by the drink from a licensed retail dealer with a wholesaler’s basic permit issued pursuant to the Federal Alcohol Administration Act or from a licensed wholesaler, as provided in subsection (C) in any size bottle, except 1.75 liter size bottles.

(B) A licensed retail dealer with a wholesaler’s basic permit issued pursuant to the Federal Alcohol Administration Act may deliver, in sealed containers, alcoholic liquor in any size bottle, except 1.75 liter size bottles, to a person licensed by this article to sell alcoholic liquors for on-premises consumption.

(C) A licensed wholesaler may deliver, in sealed containers, any new alcoholic liquor in any size bottle, except 1.75 liter size bottles, to a person licensed by this article to sell alcoholic liquors for on-premises consumption. For the purposes of this subsection, alcoholic liquor must be considered new as of the day the licensed wholesaler first delivers the alcoholic liquor to a person licensed by this article. The right of a licensed wholesaler to deliver any new alcoholic liquor for on-premises consumption is limited to the first one hundred and eighty days that the item is available to an on-premise licensee.”

SECTION 5. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution, 1895, in that each provision relates directly to or in conjunction with other sections relating to the subject of premises licensed to sell alcoholic liquors to consumers.

WEDNESDAY, MARCH 21, 2018

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 6. This act takes effect upon approval by the Governor. /
Re-number sections to conform.
Amend title to conform.

Senator FANNING spoke on the amendment.
Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 28; Nays 13

AYES

Alexander	Bennett	Campbell
Cromer	Davis	Goldfinch
Gregory	Grooms	Hembree
Hutto	Kimpson	Leatherman
Malloy	Massey	<i>Matthews, John</i>
McElveen	Nicholson	Rankin
Reese	Scott	Senn
Setzler	Shealy	Sheheen
Turner	Verdin	Williams
Young		

Total--28

NAYS

Allen	Cash	Climer
Corbin	Fanning	Johnson
<i>Matthews, Margie</i>	McLeod	Peeler
Rice	Sabb	Talley
Timmons		

Total--13

The amendment was laid on the table.

WEDNESDAY, MARCH 21, 2018

Motion Adopted

On motion of Senator HUTTO, with unanimous consent, all remaining amendments except Amendment No. 43 were withdrawn.

Amendment No. 43

Senator HUTTO proposed the following amendment (JUD4729.011), which was adopted:

Amend the bill, as and if amended, page 3, by striking line 36, as contained in SECTION 6, and inserting therein the following:

/ SECTION 6. Pursuant to the terms of this act, the Department of Revenue, in order to conform to the terms of this act, is directed to reconsider the application for the privilege of a retail dealer license and any approval or denial for the privilege of a retail dealer license issued between April 5, 2018, and the effective date of this act.

SECTION 7. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator HUTTO spoke on the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 33; Nays 8

AYES

Alexander	Bennett	Campbell
Cash	Climer	Corbin
Cromer	Davis	Goldfinch
Gregory	Grooms	Hembree
Hutto	Kimpson	Leatherman
Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	Nicholson
Rankin	Reese	Rice
Scott	Senn	Setzler
Shealy	Sheheen	Timmons
Turner	Williams	Young

Total--33

WEDNESDAY, MARCH 21, 2018

NAYS

Allen	Fanning	Johnson
McLeod	Peeler	Sabb
Talley	Verdin	

Total--8

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

Motion Adopted

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator BENNETT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Ralph Henry Johnson of Charleston, S.C. Private First Class Johnson received the Medal of Honor for his heroism in March 1968 during the Vietnam War for his selfless devotion to duty. On March 24, 2018, the USS Ralph Johnson will be commissioned in Charleston, S.C. This will be the Navy's 64th Arleigh Burke-Class destroyer. The Ralph H. Johnson VA Medical Center in Charleston was also named after Private First Class Johnson.

and

MOTION ADOPTED

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Reverend Gary Coates Sr. of Columbia, S.C. Gary was born in Greenwood, S.C. and served in the United States Army. He earned a bachelors degree at Liberty University and was an ordained minister at Brookland Baptist Church. Gary was a loving husband and devoted father who will be dearly missed.

ADJOURNMENT

At 11:09 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

[SJ]

45

WEDNESDAY, MARCH 21, 2018

SENATE JOURNAL INDEX

S. 541.....	19	S. 1135.....	4
S. 547.....	10		
S. 773.....	10	H. 3826.....	4
S. 802.....	10	H. 4117.....	4
S. 834.....	11	H. 4485.....	5
S. 928.....	20	H. 4600.....	5
S. 959.....	11	H. 4602.....	5
S. 982.....	11	H. 4710.....	6
S. 1042.....	20	H. 4729.....	31
S. 1044.....	13	H. 4875.....	6
S. 1053.....	19	H. 4877.....	7
S. 1098.....	19	H. 4946.....	7
S. 1099.....	13	H. 4962.....	7
S. 1101.....	14	H. 4968.....	8
S. 1111.....	14	H. 5094.....	3
S. 1114.....	14	H. 5138.....	8
S. 1116.....	20	H. 5139.....	8
S. 1120.....	15	H. 5142.....	8
S. 1128.....	16	H. 5143.....	9
S. 1134.....	4	H. 5144.....	9